

January 24, 2008

Mr. Kirkpatrick called the Special Joint Meeting of the Union Township Committee and the Planning Board/Board of Adjustment to order at 7:00 p.m. The Sunshine Statement was read.

Mrs. Dzuibek made a motion to appoint Grace Kocher as Temporary Acting Deputy Clerk. Mr. Severino seconded the motion.

Vote: Ayes: Mrs. Dzuibek, Mr. Severino, Mr. Haynes, Mr. Bischoff, Mr. Mazza

Committee Members Present: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dzuibek  
Mr. Mazza

Planning Board Members Present: Mr. Mazza, Mr. Martin, Mr. Badenhausen,  
Mr. Walchuk, Mr. Ryland, Mr. Kirkpatrick

Planning Board Members Absent: Mr. Taibi, Mr. Ford

Others Present: Atty. J. Peter Jost, Atty. Mark Anderson, Carl Hintz, John Reymann,  
Geoffrey Goll, Michele McBride, Glenn Roth, John Scott, Andy Riehl  
Robert Nargi

**Joint Committee & Planning Board Meeting: Issues regarding Exit 15/Frontage Road & Edna Mahon Correctional Facility & Hunterdon Developmental Center:**

Mr. Hintz gave an overview of potential development in the areas near Exit 15/Frontage Road & the Correctional Facility and Developmental Center and its impact on those areas. The Town of Clinton and Franklin and Union Townships would all be impacted by development. Mr. Hintz said development would be limited because Clinton is largely built out and Franklin Township is in the process of buying a 174-acre site for which there are no immediate plans at this time. There may be some COAH units, park land and farm land. Franklin also owns a 12 acre site which will be used for 8 COAH units. Clinton has redone its Master Plan and a 54.9 acre site could be developed for a conference center. The Wachovia site in Union Township which has Preliminary Site Plan approval will probably not move forward. Wachovia was relying on water and sewer from the Town of Clinton and there is no more capacity.

Mr. Reymann displayed a picture of the Road connecting the Edna Mahon Exit Road to Frontage Road. He also displayed a picture of proposed improvements to Exit 12. The DOT refers to the proposal as an initial preferred alternative. It would divert traffic from Exit 15 to Exit 12. Mr. Reymann said that Exit 12 traffic has increased since Pilot purchased Johnny's Truck Stop. He also noted the sight-distance problem at Rupell Road. Mr. Reymann said DOT has selected a Consultant who will be preparing additional studies. He said the Board should make their concerns known to the Consultant. Mr. Reymann believes that, from a regional viewpoint, the proposed improvements will be beneficial. He emphasized that DOT should be asked to study the impact to Exit 12. Mr. Reymann mentioned the need for another Park n Ride or expansion of an existing site.

Atty. Jost asked how traffic flow would be affected, if the Extension was built. Mr. Reymann responded. He said the morning peak traffic had not been studied. However, the afternoon traffic increased by about 25% at peak time. Mr. Reymann noted that studies had not been done on Rupell Road. Mayor Mazza asked about eastbound traffic on the proposed road. He thought more traffic would go into Clinton. It was thought that would only happen if traffic was blocked on Route 78. Mr. Severino said people will take whatever alternate road is available to avoid Route 78. Mr. Reymann said he thought that Race Street would probably have less traffic with the proposal. Mr. Kirkpatrick mentioned the perils of traffic on Race Street. He also said that traffic traverses past the Elementary and Middle Schools. Mrs. Dzuibek asked Mr. Reymann if the Township's Master Plan and infrastructure match the proposed plan. Mr. Hintz said the MP was modified years ago to reduce the amount of development in the Route 78 Corridor. He said the Circulation Plan has not been updated in many years. Mr. Hintz said there will be monies available from the Highlands to update the MP. Mrs. Dzuibek thought the Township infrastructure should be reviewed and updated as it impacts on the Town Center. Clinton is the Town Center for Union Township. Mr. Reymann felt it would be good if the State took over the Road between Exits 12 and 15. The proposed Road has two 12-foot wide lanes and a 4-foot shoulder. Mr. Reymann mentioned the possibility of a 6-foot wide shoulder so that bicycles could utilize the Road. Mayor Mazza asked what could be done to keep the Road from becoming a fourth lane for the Highway. Mr. Reymann said he didn't think anything could be done.

Mr. Mazza asked if the proposal would be a long-term or short-term fix. Mr. Reymann felt that people who use Race Street will use the Frontage Road. It will, however, increase traffic at Exit 12. Mr. Kirkpatrick asked what was planned in Franklin Township between this parcel and Pittstown. Mr. Hintz said the zoning on Route 513 is 7-acres. He said there is an application by the Pittstown P.O. which has been downsized. Mr. Kirkpatrick asked if there are plans to modify Exit 15 so that one of the traffic lights might be eliminated. Mr. Reymann said there are no short-term plans. He will try to obtain additional studies. He said there has been pressure on the Township to endorse the proposed Plan. Mr. Reymann said he believes the Plan will happen with or without the endorsement of Union Township. He feels the Township should articulate their concerns. Mr. Albanus noted that most of the traffic from the Correctional Facility makes a right turn onto Route 513 and then Race Street. He felt the proposal would alleviate that situation. Mr. Haynes noted the traffic mentioned by Mr. Albanus also impacts the Township Schools, since they are dismissing students at approximately the same time.

Mayor Mazza asked about trucks using Exit 13 instead of 12. Mr. Mazza also mentioned the Westbound Weigh Station and the impact the Station has when it is open. He said truckers stop at Pilot and along the highway until the Station closes. Mr. Reymann said a possible solution would be the installation of stop signs at Westbound I-78. He said this could be looked into with the DOT. Mr. Severino said there were more questions than answers.

He voiced opposition to the County tying funding for Milligan Farms to the Township's endorsement of the proposed Plan. Mr. Severino said answers were needed. Mrs. Dzuibek concurred. She thought a Resolution listing the concerns should be sent to DOT from the Committee. Mayor Mazza said the last time there had been any communication from the DOT was in March 2006. Mr. Reymann said DOT was waiting until a consultant was appointed. He noted the importance of DOT reviewing the existing situation at Exit 12. The danger of trucks exiting at Exit 13 should be investigated. Mr. Severino wanted to know if DOT had any plans to make improvements at that Exit. Mr. Kirkpatrick asked if increased security at the Edna Mahon Facility had been considered since there would be additional traffic volume. He also asked if there had been a study of endangered species, water quality, etc. Mr. Reymann said that had not been done. Atty. Jost asked if a study had been made of the impact on Frontage Road in front of Foster Wheeler. That Road belongs to the Township. It would probably be a good idea to ask the State to take the Road over. Mayor Mazza asked if a trucker used that Road, could there be an impact on the Town of Clinton.

Mr. Severino had a question about traffic at the Walmart Plaza. He wanted to know the percentage of traffic that would use the new Road, as opposed to going under the Bridge and traveling onto Route 78. Mr. Reymann said there was a study done in 2004. The Pilot traffic study did not take the proposed Road into account. Mrs. Dzuibek asked Mr. Hintz for suggestions as to how the Township should proceed. Mr. Hintz said it was important to see the DOT studies before making any decisions. He said he would be interested to see the Highlands study, as well. Mayor Mazza said the Township was fortunate that Mr. Hintz is the Planner for the Town of Clinton and Franklin Township, as well as Union.

Mr. Haynes said the County had made a presentation to the Township Committee in 2004. He said the study was flawed because the model didn't show trucks getting off at Exit 12. The Committee was told the County would get back to them. That did not happen.

**Mr. Kirkpatrick asked for comments from the Public:** Michele McBride, Olde Forge Lane, asked Mr. Hintz about the potential for TDR's on Route 173 and the impact on traffic at Exit 12. Mr. Hintz said it was suggested that the development come from municipalities to the north. He doesn't see the Town of Clinton, i.e. extending an invitation to come there. Mr. Hintz will be meeting with the Highlands Council to discuss the matter. He will report back to the Committee and/or the Planning Board.

Glenn Roth, Marudy Drive, asked about westbound traffic crossing the bridge at Rupell Road and related complications. He wanted to know the liability to Union Township Taxpayers if traffic increased on the south side of Frontage Road. The Road is substandard. Atty. Jost said the possibility of replacing that Road was discussed.

John Scott, Gano Road, said the majority of property on the north side of Exit 11 is in Watershed Management and the remainder is in the Professional Office District. He said if tractor trailers are allowed to use the entire distance of the Road the Township might just as well throw out the Spruce Run Initiative and the Master Plan and redo it.

Mr. Scott said there is an undeveloped quarry and a batch plant on the south side of Frontage Road. If a road was put in for commercial development it would drastically change what could be developed. Mr. Scott said there had been a concept plan for over 300 residential units. That type of development could have a great impact on the Township. He also said that cars going east past Foster Wheeler would not get off at Exit 12. They would continue to Exit 15 and get onto Route 78.

Andy Riehl, County Road 579, asked if the new extension would cross Route 513 back of the Cracker Barrel. Mr. Hintz said that wasn't part of the proposed Plan. He also asked if the industrial section was going to be turned into a mall. Mr. Hintz said that was not part of the Master Plan. Mr. Riehl voiced a concern about the County tying funding for Milligan Farms to the proposed Road.

Mr. Severino mentioned that there were several alternate proposed roads and they all end in a cornfield.

Geoffrey Goll, Princeton Hydro, noted that there may be a special water resource protection area and that could impact the ability to build the Road. An analysis of impervious surface coverage should be performed. He said there is a limited amount of riparian area that can be disturbed. There may be endangered species in the area as well.

Mr. Hintz said he and Mr. Reymann will compile a list of concerns raised tonight and provide that information to the Township Committee. Mr. Hintz said the County should also be copied with the information. Mrs. Dzuibek had attended a meeting with the Freeholders at which time she asked why the funding for Milligan Farms had been tied to endorsement of the Road Plan. She was told that no information had been forthcoming from the Township to the NJTPA since 2004 in the form of a resolution. Mrs. Dzuibek told the NJTPA representative the Township had some unanswered questions. She emphasized that a Resolution from the Township should be sent to the County. Mr. Severino asked why a Resolution was needed. Mrs. Dzuibek indicated that letters had not been effective. Atty. Jost said the Township had adopted a Resolution in 2004 that was sent to the County. That Resolution deferred endorsement of the Plan. The Township Committee requested additional information. Mr. Haynes said the last time the Committee heard from the County was when they appeared before the Board in 2004.

Mayor Mazza said the Committee had invited a representative of the County to a meeting to give an update on the project. If that was not done, the Committee asked for written correspondence addressing issues. Mr. Reymann said a letter should be sent to the State voicing the Township's concerns. Messrs. Reymann and Hintz will work together on the letter. Mr. Mazza said there was a substantial amount of money involved with the Exit 15 interchange project. Mrs. Dzuibek said it was between \$9,000,000 and \$28,000,000.

Robert Nargi, UTEC Chairman, said it would be wise to have the Township Engineer work with the County on the matter. Mr. Nargi had spoken with County Engineer John Glynn and he will be working with Mr. Reymann.

The Joint Committee/Planning Board/Board of Adjustment meeting adjourned after the above matter. (8:15 p.m.)

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**P.S. Construction: Block 22, Lot 27, 22 Race Street:** Atty. James Harding, on behalf of P.S. Construction, requested that the Board grant an adjournment until the February 28, 2008 meeting and that no further notice be required. Applicant has not yet completed the Phase II Carbonate Rock Investigation. Mr. Harding also asked that Paul Ferriero continue as the consulting engineer since he has done considerable work on the project.. If the Board is not inclined to have Mr. Ferriero continue, applicant requests that the consulting engineer not charge the developer's escrow account to bring himself up to speed on the application. Mr. Kirkpatrick asked for comments from the Board. Mr. Kirkpatrick said he had no problem with Mr. Ferriero continuing, however, the issue of a contract needs to be researched. The Hearing was adjourned until February 28, 2008. No further notice required.

**Planner's Presentation on Role of Planner & Engineer in Plan Reviews:**

Mr. Hintz gave a comprehensive overview of the review process. Wetlands, floodplains, Category I streams, soils, geology and hydrogeology, buffer regulations, existing vegetation, seasonal high-water tables, topography, air quality and steep slopes, etc. are all considered. Vincent Uhl and Associates review geology and hydrogeology issues Princeton Hydro serves the Board on environmental matters. Mr. Hintz said a number of factors are considered when reviewing a site-plan layout. They include parking standards for residential and non-residential development. Infrastructure, including water, sewer, utilities, solid waste, trash receptacles, recycling, sidewalks, paving materials, bike lanes, dedicated lanes, road width, driveway widths and street hierarchy are all considered. Mr. Hintz said hierarchy roads, the major road into the site, and minor collector roads are also reviewed, as well as access locations, sight distances, maintenance of the development and roadways, grading as related to landscape designs, unit designs, security and open space. Grading and storm drainage are reviewed by the Township Engineer and the Environmental Consultant. Off tract impacts and development patterns are addressed by the Engineer.

Lighting issues are reviewed and addressed by Mr. Hintz to insure there is compliance with the Lighting Ordinance. Establishment of ideal night skies is addressed. Architectural styles and signage are reviewed. He said the Township has recently adopted a new Sign Ordinance. Mr. Hintz said the Township will be looking into issues involving COAH. Sustainability is addressed, including re-use of older existing buildings, elimination of excessive disturbance and excessive lawn areas, water conservation features, use of alternative energy sources, reduced lighting, use of native plants, proper tree cover, lightly colored pavement and energy saving devices. Applications are reviewed to determine whether they are consistent or inconsistent with the Master Plan and Land Use Code.

Mr. Reymann addressed the role of the engineer. Mr. Reymann said he reviews a newly-submitted application to determine whether all items in the checklist have been addressed. If it is determined that the application is complete, a plan review would be forthcoming. If waivers are requested, it must be determined by the Board whether those waivers can be granted. Mr. Reymann explained the differences in the role of the engineer. He said the engineer looks at the width and slope and the cross-section of the road. Is there room for vehicles to turn around in the driveway? The planner may want trees in areas that the engineer may not see as a good thing. Mr. Reymann said the engineer looks at storm water management issues, including stream encroachment, groundwater recharge and water quality and quantity. Would a clustered development be better? Mr. Kirkpatrick said there are tools that address those matters and they are in the Land Use Code. He believes that if an applicant complies with the Standards set forth in the Code, it limits the Board's ability to alter the design that they might like. Mr. Reymann said that is the case; however, it is possible to convince an applicant that the development could be designed differently and in a way that would be acceptable to both the applicant and the Planning Board. Mr. Hintz said less road construction, i.e., could appeal to a developer.

Mr. Reymann emphasized the importance of meeting with an applicant in the early planning stage. He mentioned the role of the Environmental Consultant. Mr. Goll, Princeton Hydro, said the Township has a lot of natural resource areas including Category I streams and special water protection areas. Because special permits would be required to develop around those areas, an alternative might be to encourage applicants to develop a cluster-type subdivision. Mr. Goll said his partner, Dr. Souza, has a different viewpoint. Dr. Souza reviews an application from an ecological aspect. Mr. Goll said that steep slopes and potential erosion problems issues are also reviewed. The E.I.S. is their guide. Mr. Goll also mentioned that the Township has a Geologist and Hydrogeologist to review carbonate rock and water issues. Mr. Kirkpatrick said he has not seen any applicant who acknowledges that their proposal would have a negative impact on the environment. He asked how the applicant can be forced to provide necessary information. Mr. Goll said the Board has the right to ask applicant to comply with the requirements of the E.I.S., even though it might not be set forth explicitly in the E.I.S.

Michele McBride, Old Forge Lane, asked about design standards for buildings in the Commercial District. Mr. Hintz responded. He said it is usually possible to work with the applicant. Mr. Kirkpatrick asked if the issue could be addressed during a hearing or should architectural standards be adopted. William Bischoff, Anderson Road, said the Planning Board had discussed that issue a couple of years ago. He thought there should be something in the Ordinance, even if it was minimal. Mr. Kirkpatrick asked Mr. Hintz to look into the Ordinance and make recommendations to the Board.

**Apgar: Block 19, Lot 7, 33 Driftway: Interpretation & “C” Variance: Issue of Completeness:** Mr. Reymann recommended that the application be deemed incomplete. His letter dated January 23, 2008 said that Item #6 of the Checklist, Key Map, showing location of tract to be considered in relation to surrounding area within 1,000 feet and Item #15, zoning district in which parcel is located, indicating all setbacks, height and floor area ratio must be submitted.

Mr. Mazza made a motion to deem the application incomplete. Mr. Walchuk seconded the motion.

Vote: Ayes: Mr. Mazza, Mr. Walchuk, Mr. Martin, Mr. Badenhausen, Mr. Ryland, Mr. Kirkpatrick

**Perryville Group LLC: Block 22, Lot 3 & 4, Route 173 East: Amended Preliminary & Final Major Subdivision and Site Plan: Public Hearing:**

Atty. George Dilts gave a brief overview of the application. Atty. Anderson reviewed Notice Documents and found them to be in order, giving the Board jurisdiction to hear the matter. The Documents were marked Exhibit A-1. Mr. Dilts said Preliminary approval had been received in 2002. Extensions had been granted. The NJDEP Regulations have changed. The original location of the drainage basin was on Lot 5. The detention basin is now proposed for Lot 3. The Master Plan Road will be constructed on Lot 4. At the December 20, 2007 Board meeting, applicant was asked to submit an amended Preliminary and Major Subdivision and Site Plan application, provide a study of potential wetlands on the property, locate all trees in the detention basin area and provide additional Natural Resource mapping and calculations.

Atty. Dilts asked that applicant and Professionals be sworn. Atty. Anderson swore in David Hay, owner/applicant, and Robert Foley, Engineer. Mr. Foley's credentials were accepted. Mr. Foley displayed a Landscape Plan, dated September 7, 2007. It was marked Exhibit A-2. The Steep Slopes Map, dated January 22, 2008, was marked Exhibit A-3. The Site Plan Exhibit, dated January 23, 2008, was marked Exhibit A-4.

Mr. Foley gave a brief overview of the revisions as incorporated into the December 10, 2007 Plans, including a description of how the basin operates. He also described Exhibits A-2 and A-3. They include additional Natural Resource information. Mr. Foley said he had met with Mr. Hintz.

The Landscaping Plan was completely revised and includes all native species. Mr. Foley said A-3 includes Steep Slope Calculations. Mr. Foley said there are two oak trees that need to be noted in the detention basin area. Both of the trees fall within the previous limit of disturbance of the MP Road. He said the basin would not have any effect on the trees' protection. Mr. Foley gave an overview of two letters dated January 15, 2008. Mr. Foley's letter provided supplemental materials requested at the December 20, 2007 Board meeting. The second letter from Project Manager Douglas Chabrak addressed the wetlands issue. Mr. Kirkpatrick had a question about the drainage area, would the area be more or less than 50 acres? Mr. Foley believes it is less than 50 acres.. Is the limit of disturbance more than 300-feet from the basin? Mr. Foley believes it is. Mr. Goll asked for a map showing the headwaters of the tributaries. Mr. Kirkpatrick asked that an L.O.I. and flood-hazard area determination be provided. They could be a condition of approval. Mr. Kirkpatrick asked for additional information about steep slopes. Mr. Foley said that would be provided. Mr. Reymann will confer with Mr. Ferriero about the Stormwater Management Report.

Additional steep slope calculations, a review of the Stormwater Management Report by the Engineer and a map showing the Category I location needs to be provided. Mr. Kirkpatrick asked about a portion of the property being placed in a conservation easement, as per the requirements of the Natural Resource Protection Ordinance. Applicant will provide calculations. Mr. Hintz said maintenance of Lot 3 should be assured. Mr. Hay said an appropriate maintenance agreement would be provided. Mr. Bischoff said the Township has traditionally left the maintenance difficulties to the property owner/owners. Mr. Walchuk asked about the Fire Chief's letter recommending fire hydrants and questioning access to the west side of the building by the Fire Company. Mr. Walchuk asked about Mr. Chabrak's qualifications. Mr. Foley said there is no requirement for certification for Mr. Chabrak's profession. His expertise is freshwater wetlands and endangered species. Atty. Dilts said if there was any doubt about Mr. Chabrak's qualifications the matter could be addressed by having the final approval conditioned upon obtainment of an L.O.I. and flood hazard area determination. Mr. Badenhause asked the distance of the detention basin from the gas pipeline. Mr. Foley said the pipeline is approximately 50 feet from the basin. He said all features proposed are outside the limits of the easement. Mr. Badenhause asked if there was a requirement to let Williams Pipeline know of any plan. Mr. Foley said there is an ongoing dialogue with Williams. Atty. Dilts said there is a letter from Williams allowing applicant to cross the easement. Mr. Dilts will submit a copy of the letter.

Atty. Dilts said water will come from an on-site well. He said that also answers the question about the fire hydrant. Mayor Mazza asked about the Fire Chief's concern about access to the building. Mr. Hay said the design of the building was approved and there is no plan to redesign it. Mr. Kirkpatrick asked if the Fire Department commented on the application originally. Mr. Hay said he didn't believe they would have proceeded without their approval.



Mr. Kirkpatrick asked for other questions or comments. There were none. The Hearing was adjourned until February 28, 2008. No further notice is required.

**Appointment of Atty. for the Pilot Litigation:** Mr. Badenhausen made a motion to appoint Mark Anderson. Mr. Mazza seconded the motion.

Vote: Ayes: Mr. Badenhausen, Mr. Mazza, Mr. Martin, Mr. Walchuk, Mr. Ryland  
Mr. Kirkpatrick

**Election of Chairman:** Mr. Walchuk made a motion to elect Brian Kirkpatrick as Chairman. Mr. Martin seconded the motion.

Vote: Ayes: Mr. Walchuk, Mr. Martin, Mr. Mazza, Mr. Badenhausen, Mr. Ryland,  
Abstain: Mr. Kirkpatrick

**Election of Vice-Chairman:** Mr. Mazza made a motion to elect Alan Ford as Vice-Chairman. Mr. Walchuk seconded the motion.

Vote: Ayes: Mr. Mazza, Mr. Walchuk, Mr. Martin, Mr. Badenhausen, Mr. Kirkpatrick,  
Mr. Ryland

**Correspondence: UTEC Minutes:** For Board's Information **NJPO Mandatory Classes:** Mr. Kirkpatrick said Board members should contact secretary to register.

**Approval of Minutes:** Mr. Mazza made a motion to approve the minutes of the December 20, 2007 Regular Meeting and the January 8, 2008 Reorganization and Workshop Meetings. Mr. Walchuk seconded the motion.

Vote: All Ayes, No Nays, Motion Carried

Mr. Mazza made a motion to approve the minutes of the January 8, 2008 Executive Session. Mr. Ryland seconded the motion.

Vote: All Ayes, No Nays, Motion Carried

Mr. Kirkpatrick said it would be necessary to go into Executive Session to discuss the Pilot Litigation. Mr. Mazza made a motion to go into Executive Session. Mr. Badenhausen seconded the motion. (10:10 p.m.)

Vote: All Ayes, No Nays, Motion Carried

A Resolution providing for a meeting Not Open to the Public in Accordance with the revisions of the N.J.S.A. 10:A-4-12.

WHEREAS, the Planning Board of the Township of Union is subject to the Open Public Meetings Act, N.J.S.A.10: A-4-6, et Seq., and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:A-4-12, provides that an Executive Session, not open to the Public, may be held for certain specified purposes when authorized by Resolution, and

WHEREAS, it is necessary for the Planning Board of the Township of Union, assembled in public session on January 24, 2008, in the Union Township Municipal Building, 140 Perryville Road, Hampton, NJ 08827, for the discussion of matters relating to the specific items designated above.

It is anticipated the deliberations conducted in closed session may be disclosed to the public upon determination by the Planning Board that the public interest will no longer be served by such confidentiality.

The Executive Session ended at 10:55 p.m.

Mr. Badenhausen made a motion to return to the regular session. Mr. Ryland seconded the motion.

Vote: All Ayes, No Nays, Motion Carried

**Change of Workshop Meeting:** The February 12, 2008 workshop meeting was rescheduled for Thursday, February 7, 2008 due to a conflict with UTEC's meeting. Atty. Anderson was requested to attend the February 7<sup>th</sup> meeting. An Executive Session will be held to discuss Pilot litigation.

**Motion to Adjourn:** Mr. Mazza made a motion to adjourn. Mr. Badenhausen seconded the motion. (11:00 p.m.)

Vote: All Ayes

Grace A. Kocher, Secretary